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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,806	02/06/2004	Augustin Hittinger	FRAV2003/0004 US NP	8462
5487 ANDREA Q. R	7590 09/10/200 YAN	EXAMINER		
_	NTIS U.S. LLC	SEAMAN, D MARGARET M		
MAIL CODE: I		ART UNIT	PAPER NUMBER	
BRIDGEWATI	ER, NJ 08807	1625		
			NOTIFICATION DATE	DELIVERY MODE
			09/10/2008	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPatent.E-Filing@sanofi-aventis.com andrea.ryan@sanofi-aventis.com

		Applio	cation No.	Applicant(s)		
Office Action Summary		10/77	3,806	HITTINGER ET	HITTINGER ET AL.	
		Exam	iner	Art Unit		
		D. Ma	rgaret Seaman	1625		
The MA Period for Reply	ILING DATE of this commu	nication appears on	the cover sheet v	vith the correspondence	address	
A SHORTENE WHICHEVER - Extensions of time after SIX (6) MON - If NO period for re - Failure to reply wi Any reply received	ID STATUTORY PERIOD F IS LONGER, FROM THE N e may be available under the provision ITHS from the mailing date of this come ply is specified above, the maximum sethin the set or extended period for repleted by the Office later than three months on adjustment. See 37 CFR 1.704(b).	MAILING DATE OF s of 37 CFR 1.136(a). In n munication. tatutory period will apply a y will, by statute, cause the	THIS COMMUN o event, however, may a nd will expire SIX (6) MO e application to become A	ICATION.  I reply be timely filed  INTHS from the mailing date of the MBANDONED (35 U.S.C. § 133).		
Status						
2a)⊠ This acti 3)⊡ Since th	sive to communication(s) fil on is <b>FINAL</b> . is application is in condition n accordance with the pract	2b)∏ This action for allowance exc	is non-final. ept for formal ma	•	the merits is	
Disposition of Cla	aims					
4a) Of the 5) ☐ Claim(s) 6) ☑ Claim(s) 7) ☐ Claim(s)	e above claim(s) is/a is/a is/are allowed.  12-14,16,19-23,26 and 29 is/are objected to.  are subject to restri	are withdrawn from -31 is/are rejected.	consideration.			
Application Pape	rs					
10)∭ The draw Applicant Replacen	rification is objected to by the ring(s) filed on is/are may not request that any objected to nent drawing sheet(s) including or declaration is objected to	e: a) ☐ accepted o ection to the drawing g the correction is re	(s) be held in abeya quired if the drawin	ance. See 37 CFR 1.85(a)	CFR 1.121(d).	
Priority under 35	U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
2) D Notice of Draftsp	nces Cited (PTO-892) person's Patent Drawing Review ( losure Statement(s) (PTO/SB/08) I Date		Paper No	Summary (PTO-413) o(s)/Mail Date Informal Patent Application 		

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### **DETAILED ACTION**

## Claim Rejections - 35 USC § 101

The rejection of claims under 35 USC § 101, as stated in paper dated 4/29/08, is withdrawn due to applicant's amendments and arguments in paper ated 7/18/2008.

# Claim Rejections - 35 USC § 112

The rejection of claims under 35 USC § 112, as stated in paper dated 4/29/2008 is withdrawn due to applicant's arguments and amendments in paper dated 7/18/2008.

## Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  - 1. Determining the scope and contents of the prior art.
  - 2. Ascertaining the differences between the prior art and the claims at issue.
  - 3. Resolving the level of ordinary skill in the pertinent art.
  - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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3. Claims 12-14, 16, 19-23, 26 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denny and Atwell. In paper dated 4/29/2008, the claims were rejected under 35 USC 102(b). However, due to applicant's amendments in paper dated 7/18/2008, the rejection has been changed to a 103, obviousness type rejection.

Atwell teaches compounds such as

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then teaches that the equivalaent to A is also pyridine. The combination of the teaching would have been obvious to one of ordinary skill in the art.

### Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Margaret Seaman whose telephone number is 571-272-0694. The examiner can normally be reached on 730am-4pm, Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Margaret Seaman/ Primary Examiner, Art Unit 1625

D. Margaret Seaman Primary Examiner Art Unit 1625